

A N N O R E G N I

GEORGGII III.

REGIS *Magne-Britannie, Francie et Hibernie*, secundo.

At a GENERAL-ASSEMBLY, begun and held at the CAPITOL, in the City of *Williamsburg*, on *Tuesday* the 26th of *May*, in the 1st Year of the Reign of our Sovereign Lord GEORGE III. by the Grace of GOD of *Great-Britain, France and Ireland*, King, Defender of the Faith, &c. and in the Year of our LORD 1761, and from thence continued by several Prorogations to *Tuesday* the 30th of *March*, 1762, in the second Year of his Majesty's Reign; and then held at the CAPITOL, in the City of *Williamsburg*; being the Third Session of this General-Assembly.

FRANCIS
FAUQUIER;
Esq; Govern-
our.

CHAPTER I.

An Act for granting an Aid to his Majesty, and for other Purposes therein-mentioned.

WHEREAS it is judged necessary that a Body of Forces should be immediately raised and kept up, for the Security and Protection of his Majesty's Subjects of this Colony, *BE it therefore Enacted by the Lieutenant-Governour, Council and Burgeses, of this present General-Assembly, and it is hereby Enacted by the Authority of the same*, that it shall and may be lawful to and for the Officers, appointed for that Purpose by the Governour or Commander in Chief, to enlist so many Men as shall be willing to enter into the said Service, not exceeding the Number of One Thousand Men, and every Person so enlisting shall receive from the Officer enlisting him the Sum of Ten Pounds; and every such Officer shall be allowed, over and above the Rewards so to be paid by him, all his necessary Expences, in the enlisting such Persons and conveying them to the Place of general Rendezvous.

One Thou-
sand Men to
be raised.

II. *AND be it further Enacted*, that the said One Thousand Men shall be formed into Ten Companies, under the Command of a Colonel, Lieutenant-Colonel, Major, Seven Captains, Twenty Lieutenants and Ten Ensigns; and there shall be allowed to the Forces a Chaplain, a Paymaster, One Surgeon, two Surgeons Mates, an Adjutant, and a Quartermaster; and shall and may, by the Direction of the Governour or Commander in Chief, be united to any Forces that shall be sent to our Assistance by his Majesty, or any of the neighbouring Colonies, and may be marched to annoy or attack the Enemy, in such Manner as shall be thought proper by the Commanding-Officer of his Majesty's Forces in *North-America*.

To be formed
into Ten Com-
panies, and u-
nited to any
Forces sent to
our Assistance.

III. *AND* whereas his Majesty hath been graciously pleased to order that his Troops in *North-America* shall be filled up and completed with new Recruits, and hath directed his Governours of his several Colonies to procure Levies in their respective Governments

A. D. 1762. for that Purpose, and this present General-Assembly being desirous, as much as in them lies, to contribute towards raising such Recruits, are willing that it should be Enacted,

268 Men to be raised towards completing his Majesty's Regiments.

IV. *AND be it therefore further Enacted, by the Authority aforesaid,* that it shall and may be lawful to and for the Officers appointed for that Purpose to enlist so many Men, as shall be willing to enter into the said Service, not exceeding Two Hundred and Sixty-Eight Men, and every Person so enlisting shall receive from the Officer enlisting him the Sum of Ten Pounds; and every such Officer shall be allowed, over and above the Reward so to be paid by him, all his necessary Expenses in the enlisting such Persons, and delivering them to the Officers appointed to receive them by the Commander in Chief of his Majesty's Forces in *North-America*.

£. 30,000 to be raised.

V. *AND be it further Enacted, by the Authority aforesaid,* that so much Money as shall be necessary for defraying the Charge, as well of raising, clothing, and other Expenses, of the One Thousand Men, to be raised by Virtue of this Act, and for their Subsistence until the First Day of *December* next, as for recruiting the Two Hundred and Sixty-Eight Men hereby directed to be levied for his Majesty's Service, shall be paid by *John Robinson*, Esquire, Treasurer, or the Treasurer of this Colony for the Time being, appointed by or pursuant to an Act of Assembly, out of the publick Money that shall come to his Hands, by Virtue of this Act, to such Person or Persons as shall be directed by Warrant from the Governour or Commander in Chief of this Colony for the Time being, so that the Sum so to be paid do not exceed in the Whole the Sum of Thirty Thousand Pounds, to be accounted for to the General-Assembly.

The Taxes.

VI. *AND for raising the said Sum of Thirty Thousand Pounds, hereby given and granted, BE it further Enacted, by the Authority aforesaid,* that an additional Tax or Duty of One Shilling shall be paid for every tithable Person in this Colony, to the Sheriff of the County where such Person shall be enlisted, by the Person enlisting the same, on or before the Tenth Day of *April*, One Thousand Seven Hundred and Sixty-Four, and the like additional Tax or Duty shall be in like Manner paid on or before the Tenth Day of *April* in the Five next following Years; which said additional Duties shall be paid, collected and accounted for, in such Manner and Form, according to such Rules, and under such Penalties and Forfeitures, as are mentioned, prescribed and appointed, in and by the several Acts of Assembly of this Colony for the paying, collecting and accounting for, Duties or Taxes on Tithables, heretofore laid and imposed: And that every Article, Rule and Clause, contained in such Acts, concerning the paying, collecting and accounting for, the said former Duties shall be used, exercised, and put in Practice, for paying, collecting and accounting for, the said Duties hereby imposed, as if the same Articles, Rules and Clauses, were inserted in this Act.

Treasury Notes.

VII. *AND whereas the Taxes imposed by this Act cannot be collected in Time to answer the Purposes hereby intended, BE it further Enacted, by the Authority aforesaid,* that it shall and may be lawful for the said Treasurer, or the Treasurer for the Time being, appointed as aforesaid, to issue and emit Treasury Notes to answer the Demands that shall be made on him for the Purposes aforesaid, so as the whole Sum of such Notes so to be issued shall not exceed the Sum of Thirty Thousand Pounds; which several Notes so to be issued shall be prepared, printed or engraved, in such Form, and after such Method, as the said Treasurer shall judge will be most safe from Counterfeits: And Two Thousand of the said Notes shall be of the Value or Denomination of Five Pounds, and shall be signed by *Peyton Randolph* and *Robert Carter Nicholas*, Esquires; Two Thousand of the said Notes shall be of the Value or Denomination of Three Pounds, and shall be signed by the said *Peyton Randolph* and *Robert Carter Nicholas*; Two Thousand of the said Notes shall be of the Value or Denomination of Two Pounds, and shall be signed by the said *Peyton Randolph* and *Robert Carter Nicholas*; Five Thousand of the said Notes shall be of the Value of Twenty Shillings, and shall be signed by *Philip Johnson* and *Benjamin Waller*, Esquires; Five Thousand of the said Notes shall be of the Value or Denomination of Ten Shillings, and shall be signed by the said *Philip Johnson* and *Benjamin Waller*; Six Thousand Seven Hundred of the said Notes shall be of the Value or Denomination of Five Shillings, and shall be signed by *John Randolph*, Esq; and Six Thousand Six Hundred of the said Notes shall be of the Value or Denomination of Two Shillings and Sixpence, and shall be signed by the said *John Randolph*.

The Signers.

Where they die, or are absent.

VIII. *AND be it further Enacted, by the Authority aforesaid,* that in Case of the Death or Absence of any of them the said *Peyton Randolph*, *Robert Carter Nicholas*,

Philip Johnson, Benjamin Waller and John Randolph, Esquires, before all the Treasury Notes shall be signed, which are herein required to be signed by such Persons, in that Case it shall and may be lawful for the said *John Robinson*, Esquire, or the Treasurer for the Time being, appointed as aforesaid, to appoint some other Person to sign such Notes in the Room of him so dead or absent: which signing shall be as effectual, to all Intents and Purposes, as if such Notes were signed by the Persons herein named; and publick Notice of such Alteration shall be given by the Treasurer in the *Virginia Gazette*, for Three Weeks after such Alteration shall take Place. A. D. 1762

IX. *AND be it further Enacted*, that *George Davenport, Peter Pelham and James Hubbard*, Gentlemen, shall, and they are hereby appointed, to overlook the Press, during the Time of printing the Notes to be issued pursuant to this Act; who shall use the best of their Care, Attention and Diligence, that the Number and Amount of the said Notes, according to the respective Denominations aforesaid, be not exceeded, nor any fraudulent Practice used by the Printer, his Servants, or any Person concerned therein; and shall number and deliver such Notes when printed to the Persons appointed to sign the same, respectively, taking his or their Receipt for the same from Time to Time; and that each of them shall have for their Trouble therein the Sum of Thirty Pounds, to be paid them by the Treasurer for the Time being: And the Persons so appointed to sign the said Notes shall deliver them when signed to the Treasurer for the Time being, appointed as aforesaid, and take his Receipt for the same; and each Signer shall receive of the said Treasurer Twenty Shillings for every Thousand of the said Notes by them respectively signed and delivered as aforesaid; and the said Treasurer shall be allowed Half per Centum on all the said Notes by him paid away, as his Salary for paying the same. Overlookers of the Press,

X. *AND be it further Enacted*, that all Notes so to be issued in Pursuance of this Act shall be redeemable on the Twentieth of *October*, One Thousand Seven Hundred and Sixty-Nine, and shall then be paid by the Treasurer for the Time being: And further, that all such Notes shall be received, and pass as a lawful Tender, in Payment of any Debt, Duty or Demand, whatsoever (except for the Payment of his Majesty's Quitrents) from the Time of issuing such Notes until the Time before specified for the Redemption thereof at the Treasury, as aforesaid; and if any Person or Persons shall, during the Time the said Notes are to remain current as aforesaid, offer to sell, or expose to Sale, any Goods or Chattels, Lands or Tenements, whatsoever, and shall deny or refuse to sell the same, or demand a greater Price, unless he be paid for the same in Gold or Silver Coin, and not in the said Notes; or if any Person or Persons shall exchange Gold or Silver Coin for the said Notes, and demand or take any Allowance for the Difference of the Value thereof, or shall offer to buy or sell Bills of Exchange at a greater or higher Difference of Exchange for the said Treasury Notes than for Gold or Silver Coin, or shall use any other Device, Means or Method, whatsoever, whereby the Credit of the said Notes may be impaired, every Person so offending shall forfeit and pay after the Rate of Twenty per Centum on the Value of the Goods and Chattels, Lands or Tenements, so offered or exposed to Sale, or of the Money so exchanged, or of the Bills of Exchange so bought or sold; to be recovered by the Informer, to his own Use, before any Justice of the Peace where the Penalty does not amount to more than Twenty-Five Shillings, and where it shall exceed that Sum the said Penalty shall be One Half to our Lord the King for the publick Use, and to be paid to the Treasurer aforesaid, or the Treasurer for the Time being, appointed as aforesaid, and disposed of as the General-Assembly shall direct, and the other Half to the Informer; and shall and may be recovered with Costs, by Action of Debt or Information, in any Court of Record in this Colony. The Currency of the Notes,

XI. *AND be it further Enacted*, by the Authority aforesaid, that if any Person or Persons shall forge or counterfeit, alter or erase, any such Treasury Note, or shall tender in Payment by Way of Barter or otherwise, to any Person whatsoever, or shall demand a Redemption of any such Note at the Treasury, knowing the same to be forged or counterfeited, altered or erased, every such Person so offending, if lawfully convicted, shall be adjudged a Felon, and shall suffer as in Cases of Felony, without Benefit of Clergy. The Penalty on counterfeiting them,

XII. *AND be it further Enacted*, by the Authority aforesaid, that the said Treasurer, or the Treasurer for the Time being, appointed as aforesaid, shall, out of the Money that shall or may come to his Hands, by Virtue and in Pursuance of an Act of Assembly passed in the Thirty-Fourth Year of the Reign of his late Majesty King George the Second, In what Case the Taxes shall immediately cease,

A. D. 1762. entitled, *An Act for appointing Persons to receive the Money granted, or to be granted, by the Parliament of Great-Britain to his Majesty, for the Use of this Colony, or out of the Money due to this Colony for Provisions from the Crown, which the said Treasurer, or the Treasurer for the Time being, appointed as aforesaid, is hereby authorized and empowered to receive, and account for to the General-Assembly, deducting a Salary of One per Centum for his Trouble therein, pay so much thereof as shall be necessary for the Redemption of the said Treasury Notes so to be issued, as soon as he shall receive such Money; and as soon as the said Treasury Notes shall be so redeemed, the Duties and Taxes hereby imposed shall thereon immediately cease, and the several Clauses herein contained, directing the Method of paying, collecting and accounting for the same, shall thereon become altogether void and of no Effect, as if this Act had never been made, of which the said Treasurer shall give immediate Notice in the Virginia Gazette.*

Where Part of
them shall

XIII. *AND be it further Enacted, by the Authority aforesaid, that the said Treasurer, on the Receipt of Five Thousand Pounds either out of the Money granted by Parliament, or out of the Money due to this Colony from the Crown as aforesaid, the Duty or Tax imposed by this Act for the Year One Thousand Seven Hundred and Sixty-Four shall cease; and in like Manner, on the Receipt of Five Thousand in either of the Five other Years above-mentioned, the said Duty or Tax for those Years shall cease, whereof the said Treasurer shall give the like publick Notice in the Virginia Gazette.*

The Taxes to
stand as a Se-
curity for the
Redemption of
the Notes.

XIV. *AND be it further Enacted, by the Authority aforesaid, that until such Redemption of the said Treasury Notes shall be made in the Manner herein before-directed, the Duties and Taxes by this Act imposed shall stand, be and remain, as a Security for the Redemption of the said Treasury Notes so to be issued; and the said Treasurer, or the Treasurer for the Time being, appointed as aforesaid, is hereby required to apply all such Money as shall come to his Hands, by Virtue of this Act, for and towards the Redemption of the said Notes, and to no other Use, Intent or Purpose, whatsoever.*

The Treasurer
to give further
Security.

XV. *AND be it further Enacted, by the Authority aforesaid, that the said John Robinson, Esquire, Treasurer of this Colony, shall give such further Security as shall be approved of by the Governour or Commander in Chief of this Colony, in the Sum of Thirty Thousand Pounds, for the due answering and paying all the Money by him received from Time to Time by Virtue of this Act, and for the due and faithful Performance of his said Office; and in Case of his Death, Resignation or Disability, the Treasurer to be appointed in his Stead shall in like Manner give such further Security before he enters into his said Office.*

The Commis-
sioners.

XVI. *AND whereas it will be very troublesome to the Governour or Commander in Chief to examine and settle the Accounts of the several Charges and Expenses of the said Forces, BE it further Enacted, by the Authority aforesaid, that William Prentis, Thomas Everard and James Cocke, Gentlemen, shall be, and they are hereby appointed, Commissioners to examine, state and settle, such Accounts relating to the Expenses of the said Regiment, as shall from Time to Time be referred to them by the Governour or Commander in Chief for the Time being; and each of the said Commissioners shall be allowed for their Trouble therein the Sum of Fifty Pounds.*

CHAPTER II.

An Act for preventing Mutiny and Desertion.

I. **W**HEREAS it is judged necessary, in this Time of open War, that a Number of Forces should be raised and kept on Foot for the Safety and Defence of this Colony and Dominion, amounting to One Thousand Men; and whereas no Man can be forejudged of Life or Limb, or subject to any Kind of Punishment, by martial Law, or in any other Manner than by the Judgment of his Peers, and according to the known and established Laws of this Colony; yet, nevertheless, it being requisite, for the retaining such Forces in their Duty, that an exact Discipline be observed, and that the Soldiers who shall mutiny or stir up Sedition, or shall desert his Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: *BE it therefore Enacted by the Lieutenant-Governour, Council and Burgeses, of this present General-Assembly, and it is hereby Enacted by the Authority of the same, that from and after the passing of this Act, if any Per-*

*It is probable
retaining neces-
sity of mar-
tial law.*

son, being mustered, or in Pay, as an Officer, or who is or shall be enlisted or in Pay as a Soldier, by Virtue of any Act of Assembly, or shall during the Continuance of this Act voluntarily enter himself into his Majesty's Service as a Soldier, shall at any Time during such Continuance of this Act, within this Dominion, begin, excite, cause, or join in any Mutiny or Sedition in the Company or Regiment whereto he doth belong, or in any other Company, or desert his Majesty's Service; or being a Soldier actually enlisted in any Company, shall enlist himself in any other Company without a Discharge produced in Writing from the Colonel, or in his Absence the chief Officer commanding the Regiment or Company in which he last served as an enlisted Soldier; or if any Officer or Soldier so enlisted as aforesaid shall hold Correspondence with any of his Majesty's Enemies, or give them Advice or Intelligence either by Letters, Messages, Signs or Tokens, or any Manner or Way whatsoever, or shall treat with such Enemies, or enter into any Condition with them, without the License of his Majesty's Governour or Commander in Chief of this Dominion, or the Colonel or chief Officer commanding such Regiment; or shall strike or use any Violence against his superiour Officer, being in the Execution of his Office, or shall refuse to obey any lawful Command of his superiour Officer; all and every Person or Persons so offending, in any of the Matters before-mentioned, shall suffer Death, or such other Punishment as by a Court-Martial shall be inflicted.

4. D. 1762.

*Mutiny and
Sedition, how
punishable.*

Desertion.

*Correspondence
with, or intelligence
given to the
enemy*

II. *AND be it further Enacted, by the Authority aforesaid, that the Governour or Commander in Chief of this Dominion may, from Time to Time, grant a Commission, under the Seal of this Colony, to any Officer of such Regiment, not under the Degree of a Field-Officer, for holding a general Court-Martial within this Dominion, for the Trial of any Officer or Soldier belonging to the said Forces; in which Court-Martial all the Offences above-mentioned, and all other Offences herein after specified shall be tried and proceeded against in such Manner as by this Act shall be hereafter directed.*

*Courts martial,
as, how con-
stituted*

III. *AND be it also further Enacted, that it shall and may be lawful to and for such Court-Martial, by their Sentence or Judgment, to inflict corporal Punishment, not extending to Life or Limb, on any Soldier for Immoralities, Misbehaviour, or Neglect of Duty.*

*Limitation of
punishment*

IV. *AND it is hereby further Enacted, and declared, that no general Court-Martial which shall have Power to sit by Virtue of this Act shall consist of a less Number than Nine, whereof none to be under the Degree of a Commission-Officer; and that such Court-Martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness, in Order to the Examination or Trial of any of the Offences that shall come before them.*

*Number, to form
a court*

V. *PROVIDED always, that in all Trials of Offenders by general Courts-Martial to be held by Virtue of this Act, every Officer present at such Trial, before any Proceedings be had thereon, shall take the following Oaths, on the Holy Evangelists; which shall be first administered to the presiding Officer by the Rest of the Members present at such Courts-Martial, and then by the presiding Officer to them, that is to say:*

*Oaths of offi-
cers*

YOU shall well and truly try and determine, according to your Evidence, in the Matter now before you, between our Sovereign Lord the King and the Prisoner to be tried.

Form of

So help you God.

I A. B. do swear that I will duly administer Justice according to the Rules and Articles for the better Government of his Majesty's Forces, and according to an Act of Assembly, entitled, An Act for preventing Mutiny and Desertion, without Partiality, Favour or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act of Assembly, according to my Conscience, the best of my Understanding, and the Custom of War, in the like Cases: And I further swear that I will not divulge the Sentence of the Court, until it shall be approved by the Governour or Commander in Chief for the Time being, neither will I, on any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-Martial, unless required to give Evidence thereof as a Witness, by a Court of Justice, in a due Course of Law.

B

So help me God.

A. D. 1762. And that such Court-Martial shall have Power to appoint a Clerk to keep a Register of their Proceedings, to whom the President of the Court shall administer the following Oath, to wit:

Oath of clerk

YOU shall swear that you will not, on any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-Martial, unless required to give Evidence thereof as a Witness, by a Court of Justice, in a due Course of Law.

How many must concur in sentence of death

And no Sentence of Death shall be given against any Offender in such Case by any general Court-Martial, unless Six Officers present shall concur therein; and if there be more Officers present than Nine, then the Judgment shall pass by the Concurrence of Two Thirds of the Officers present, and no Proceeding or Trial shall be had on any Offence but between the Hours of Eight of the Clock in the Morning and Three in the Afternoon, except in Cases which require an immediate Example.

Person tried entitled to copy of sentence and proceedings

VI. *PROVIDED* always, that the Party tried by any general Court-Martial in this Colony shall be entitled to a Copy of the Sentence and Proceedings of such Court-Martial, on Demand thereof made by himself, or by other Person or Persons on his Behalf, at any Time, not sooner than Five Days, after such Sentence, whether such Sentence be approved or not, any Thing in this Act to the Contrary notwithstanding.

Transcript of proceedings & sentence to be sent to Governor.

VII. *PROVIDED* also, and be it Enacted by the Authority aforesaid, that the President and other Officers acting as Members of any such Court-Martial do, and they are hereby required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, a Transcript of the Proceedings and Sentence of such Court-Martial, under their Hands and Seals, to the Governour or Commander in Chief for the Time being; and that Execution of all and every such Sentence and Judgment shall be suspended until the Pleasure of the Governour or Commander in Chief be known, who, if he thinks proper, is hereby desired to issue his Warrant, under the Seal of the Colony, for putting such Sentence or Judgment into Execution, and to transmit the same to the presiding Officer at such Court-Martial.

Execution suspended, till his pleasure known.

Deserters, how apprehended

VIII. *AND* whereas Soldiers, after being enlisted, do frequently desert, and are often found wandering or otherwise absenting themselves illegally from the Service: *BE it Enacted, by the Authority aforesaid*, that it shall and may be lawful to and for all Magistrates, Officers and others, who shall have reasonable Cause to suspect any Man to be such a Deserter, to apprehend or cause him to be apprehended, and to cause such Person to be brought before any Justice of the Peace of his County, who hath hereby Power to examine such suspected Person; and if, by his Confession, or by the Testimony of One or more Witnesses or Witnessess, on Oath, or by the Knowledge of the Justice of Peace, it shall appear, or be found, that such suspected Person is an enlisted Soldier, and ought to be with the Company to which he belongs, such Justice shall issue his Warrant to the next Constable, requiring him to receive such Deserter, and him to convey and deliver to the next Constable, and so from Constable to Constable, until such Deserter be delivered to the Commanding-Officer of the Company to which he belongs; and every Constable to whom such Deserter and Warrant shall be produced shall execute the same, and give a Receipt on the Delivery of the Deserter to him, under the Penalty of forfeiting Five Hundred Pounds of Tobacco, recoverable before any Justice of the Peace, to the Use of the Informer.

How conveyed

Power of deputy Constables to charge with deserters

IX, *AND be it further Enacted, by the Authority aforesaid*, that every Constable, charged with the conducting any Deserter, shall be, and is hereby empowered, to impress Men and Horses, where necessary, for the safe conveying the Deserter or Deserters, wherewith he stands charged; and if such Constable shall suffer such Deserter to escape, he shall forfeit and pay Five Hundred Pounds of Tobacco, to the Use of the Informer, to be recovered in the Manner herein before-mentioned.

Reward for taking up deserters

X. *AND* for the Encouragement of any Person or Persons to apprehend or secure such Deserters, *BE it further Enacted, by the Authority aforesaid*, that such Justice of the Peace shall give him or them a Certificate thereof, and the Taker up shall be entitled to Two Hundred Pounds of Tobacco, to be levied on the Publick; and when any Deserter shall have crossed the Bay of Chesapeak, every Constable to whom such Deserter

shall be committed shall forthwith cause him to be transported again across the Bay, and delivered to a Constable there, to be conveyed as is herein before-directed; and, for his Trouble and Charge therein, such Constable shall have and receive Five Hundred Pounds of Tobacco for every Defenter so transported and delivered, to be paid by the Publick. *A. D. 1762.*

XI. *PROVIDED* always, that if any Person shall harbour, conceal or assist, any Defenter from the Forces which shall be in the Pay of this Colony, knowing him to be such, or if any Person shall knowingly buy or exchange, or otherwise receive, any Arms or Clothes from any Soldier or Defenter, on any Pretence whatsoever, the Person so offending shall forfeit, for every such Offence, the Sum of Twenty Pounds; and on Conviction, by the Oath of One or more credible Witnes or Witnesses, before any Justice of the Peace in the County where such Offence shall be committed, the said Penalties shall be levied by Warrant under the Hand of the said Justice of the Peace by Distress and Sale of the Goods and Chattels of the Offender, to be paid to the Informer. *Penalty for harbouring deserters*

XII. *AND* be it further Enacted, that if any Action, Bill, Plaint or Suit, shall be brought against any Person or Persons for any Act, Matter or Thing, to be acted or done pursuant to this Act, it shall and may be lawful for all, or any Person or Persons, sued as aforesaid, to plead thereunto the general Issue, and to give such special Matter in Evidence to the Jury who shall try the Issue; which special Matter, if pleaded, had been a good and sufficient Matter in Law to have discharged the Defendant or Defendants of the Trespas or other Matter laid to his or their Charge. *Party sued, may plead general issue, & give this act in evidence*

XIII. *AND* forasmuch as during the Continuance of this Act there is, and may be, Occasion for the marching and quartering of Soldiers in several Parts of this Colony, *BE it further Enacted, by the Authority aforesaid,* that for and during the Continuance of this Act, and no longer, it shall and may be lawful to and for any One Justice of the Peace, in any County, City or Borough, within this Colony, and he is hereby required, to billet the Soldiers in his Majesty's Services in Ordinaries and licensed Taverns, and in no private Houses whatsoever; nor shall any more Billets, at any Time, be ordered than there are effective Soldiers present to be quartered: And in Case any Person shall find himself aggrieved, in that such Justice of the Peace has billeted in his House a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours, and shall complain thereof to any Two other Justices of the Peace of the County, City or Borough, where such Soldiers are quartered, such Justices are hereby empowered to relieve such Person, by ordering such and so many of the Soldiers to be removed and billeted on such other Person or Persons keeping publick Houses as above-mentioned as they shall see Cause; and such other Person or Persons shall be obliged to receive such Soldiers, accordingly. *Restrictions in billeting soldiers*

XIV. *AND* be it further Enacted, that the Soldiers so billeted as aforesaid shall be received by the Persons on whom they are billeted, and furnished with Vinegar and Salt, and the Use of the Fire to dress their Victuals, without demanding any Reward or Satisfaction for the same.

XV. *AND* be it Enacted, by the Authority aforesaid, that this Act shall continue, and be in Force, for and during the Space of Eight Months, and no longer.

CHAPTER III.

An Act for paying the Burgesses Wages in Money for this present Session of Assembly.

I. **W**HEREAS by One Act of Assembly made in the Third and Fourth Years of the Reign of his late Majesty King George the Second, entitled, *An Act for the better regulating the Payment of the Burgesses Wages*, it is, amongst other Things, enacted that when any Session of Assembly should be thereafter held, and on Examination of the Treasurer's Account it should appear that there are Monies sufficient in his Hands to discharge all the Money Debts, together with the Burgesses Wages, and the Salaries and Allowances to the respective Officers of the General-Assembly, saving and reserving in the Hands of the Treasurer, over and above the Payment, a Balance of Fifteen Hundred Pounds at the Least, then every Burgess elected and serving for any County or Corporation within this Dominion should be paid out of the publick Money the Sum of Ten Shillings for each Day he should serve in the House of Burgesses, with such further Al- *Burgess wages have been paid*

A. D. 1762.

lowances, and under such Restrictions and Regulations, as in the said Act is at large directed.

II. AND whereas it appears that there is not Money sufficient in the Treasurer's Hands to pay the Burgesses Wages for this present Session of Assembly, leaving in the Hands of the Treasurer a Balance of Fifteen Hundred Pounds, according to the Directions of the said Act; nevertheless, as the Payment of the said Wages in Money will be a great Ease to the poorer Sort of People, by lessening the Levy by the Poll, *BE it Enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby Enacted by the Authority of the same*, that the Burgesses Wages for this present Session of Assembly shall be paid by the Treasurer, out of the publick Money in his Hands, on or before the Twenty-Fifth Day of April next, according to the Directions and Regulations in the said recited Act mentioned, any Thing in the said Act to the Contrary notwithstanding.

CHAPTER IV.

An Act for altering the Court Days of the Counties of Prince-William and Louisa.

WHEREAS it is represented to this present General-Assembly that the Court Days of the Counties of Prince-William and Louisa, as the same are now established, are found to be very inconvenient; therefore, for rendering the same more convenient, *Be it Enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby Enacted by the Authority of the same*, that from and after the First Day of May next, the Court of the County of Prince-William shall be constantly held on the First Monday in every Month, and the Court of the said County of Louisa on the Second Tuesday in every Month; any Law, Custom or Usage, to the Contrary notwithstanding.

CHAPTER V.

An Act to amend an Act, entitled, An Act to explain the Charter, and enlarge the Privileges, of the Borough of Norfolk, and for other Purposes therein-mentioned; also one other Act, entitled, An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein mentioned.

I. WHEREAS by an Act of Assembly, made in the Twenty-Fifth Year of the Reign of his late Majesty King GEORGE the Second, entitled, *An Act to explain the Charter and enlarge the Privileges of the Borough of Norfolk, and for other Purposes therein-mentioned*, the Court of the County of Norfolk, and the Mayor, Recorder and Aldermen, of the said Borough, or the major Part of them, were invested with full Power and Authority to build on or let a certain Lot or Parcel of Land therein-mentioned, which at the laying off the said Borough had been set apart for the Use of a School for the Benefit of the Inhabitants of the said Borough and County of Norfolk, and to provide and agree with an able Master for the said School, capable to teach the Greek and Latin Tongues; which said Master, before he should be received or admitted to keep School, should undergo an Examination before the Masters of the College of William and Mary, and the Minister of Elizabeth Parish for the Time being, and produce a Certificate of his Capacity, and also a License from the Governour or Commander in Chief of this Dominion for the Time being, agreeable to his Majesty's Instructions.

II. AND whereas, in Pursuance of the said Act, a School-House hath been built on the said Lot; but, by Reason of the Variety of Opinions frequently happening between the Justices of the said County, and the Mayor, Recorder and Aldermen, of the said Borough, in the Choice of a Master for the said School, and in other Matters relative to the Government thereof, the said School hath been greatly neglected, and the good Intentions of the said Act in a great Measure frustrated: *BE it therefore Enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby Enacted by the Authority of the same*, that from and after the passing of this Act the sole and absolute Right of nominating and appointing a Master for the said School, and of establishing such Rules and Ordinances for the good Government and Regulation of the said School, as may be thought necessary, shall be, and the same is hereby vested, in the Mayor, Recorder and Aldermen, of the said Borough of Norfolk, for the Time being, any Thing in the above in Part recited Act to the Contrary thereof in any Wise notwithstanding.

III. AND whereas by another Act of Assembly, made in the First Year of his present Majesty's Reign, entitled, *An Act for enlarging and ascertaining the Limits of the Borough of Norfolk, and for other Purposes therein-mentioned*, reciting, amongst other Things, that a certain Piece or Parcel of Land in the said Borough of Norfolk, whereon a publick Warehouse lately stood, commonly called the Fort-Land, was daily wasting away by the washing of the River, and that the Justices of the said County of Norfolk, not having Power to levy Money for that Purpose, and there not being sufficient in the Chamber of the said Borough to defray the Expense of securing the same, and building a Wharf and Storehouses thereon, and that it would be a great Benefit and Advantage to the said County and Borough; and that certain Persons, named in a Schedule thereunto annexed, had, with the Consent and Approbation of the Justices of the said County, and the Mayor, Recorder, Aldermen and Common-Council Men, of the said Borough, agreed amongst themselves to advance and pay the Sums of Money set down and expressed against their respective Names in the said Schedule to Trustees, to be applied towards enlarging and securing the said Piece or Parcel of Ground, and erecting a Wharf and Storehouses thereon, on the Terms and Conditions therein expressed; it was therefore Enacted that certain Persons therein-named should be, and they were thereby declared, nominated and appointed, Trustees and Directors for putting the same in Execution.

A. D. 1762.

IV. *AND it was further Enacted* that it should or might be lawful to and for the Justices of the said County of Norfolk, for the Time being, or in Case of their Refusal to and for the Mayor, Recorder, Aldermen and Common-Council Men, of the said Borough, at any Time thereafter, to Purchase the said Land and Wharf and Storehouse of the said Trustees and Directors, or their Successors, for the Use and Benefit of the said County or Borough respectively; and the said Trustees and Directors, and their Survivors, should, and they were thereby required, at any Time thereafter, to convey the same to the said Justices, or Mayor, Recorder, Aldermen and Common-Council Men, of the said Borough, and their Successors, in Trust, for the Benefit and Advantage of the Inhabitants of the said County or Borough, on their reimbursing the several Persons named in the said Schedule.

V. *AND* whereas the Subscribers named in the said Schedule have, since the passing the said Act, refused to pay the respective Sums of Money therein-mentioned, or any Part thereof, for carrying the said Act into Execution, unless the sole Right of purchasing the said Piece or Parcel of Land, with the Wharf and Storehouses proposed to be erected and built thereon, shall be vested in the Mayor, Recorder, Aldermen and Common-Council Men, of the said Borough, for the Benefit of the Inhabitants of the said Borough only, exclusive of the other Inhabitants of the said County: *BE it therefore further Enacted, by the Authority aforesaid*, that it shall and may be lawful to and for the said Mayor, Recorder, Aldermen and Common-Council Men, of the said Borough, for the Time being, at any Time hereafter, to purchase the said Land, Wharf and Storehouses, of the said Directors and Trustees, or their Survivors, for the Use and Benefit of the said Borough; and the said Trustees and Directors, and their Survivors, shall, and they are hereby required, at any Time hereafter, to convey the same to the said Mayor, Recorder, Aldermen and Common-Council Men, of the said Borough, and their Successors, *IN TRUST*, for the Benefit and Advantage of the said Borough, on their reimbursing the several Persons named in the said Schedule, their respective Heirs, Executors, Administrators or Assigns, or other legal Representatives, the several Sums of Money by them respectively advanced and paid, any Thing in the said last-mentioned Act to the Contrary notwithstanding.

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CHAPTER VI.

An Act to empower the Vestries of the Parishes of Drysdale, in the Counties of Caroline and King and Queen, and of St. Stephen, in the said County of King and Queen, to sell their Glebes, and lay out the Money in purchasing more convenient Glebes.

I. *WHEREAS* it is represented to this present General-Assembly that the Glebes of the Parishes of Drysdale, in the Counties of Caroline and King and Queen, and of St. Stephen, in the said County of King and Queen, are not only very poor and insufficient for the Support and Maintenance of their respective Ministers, but are also inconveniently situated; and that it would be very advantageous to the Ministers of the said Parishes, as also to the Inhabitants thereof in general, if the Vestries of the said Parishes were empowered to dispose of the said Glebes, and to lay out the Money arising from the Sales thereof respectively in purchasing other Lands for Glebes, and erecting Buildings thereon; *Be it therefore Enacted by the Lieutenant-Governour, Council and Burgesses, of this present General-Assembly, and it is hereby Enacted by the Authority of the same*, that the said Glebe Lands, with the Appurtenances, be, and the same are hereby, vested in the present Vestries of the said Parishes of Drysdale and St. Stephen respectively, and in the respective Vestries of the said Parishes for the Time being, *IN TRUST*: Nevertheless, that the said Vestries, or the greater Part of them, shall, by Deeds of Bargain and Sale, sell and convey the said Glebes, with the Appurtenances, for the best Prices that can be got for the same, to any Person or Persons who shall be willing to purchase them; *TO HOLD* to such Purchaser or Purchasers, his or their Heirs or Assigns, for ever.

II. *AND be it further Enacted, by the Authority aforesaid*, that the Money arising by the Sales of the said Glebes shall be by the said Vestries respectively laid out and applied for and towards purchasing more convenient Tracts or Parcels of Land for Glebes, and erecting Buildings thereon, for the Use and Benefit of the Ministers of the said Parishes of Drysdale and St. Stephen respectively, for the Time being, for ever.

*Parishes of
Drysdale, in
Counties of King
& Queen, and of
St. Stephen in
King & Queen
County, to sell
their glebe
land*

CHAPTER VII.

An Act to dock the Entail of certain Lands whereof William Seward is seized, and for other Purposes therein-mentioned.

I. *WHEREAS* Robert Caufield, formerly of the County of Surry, was in his Lifetime seized in Fee-Simple of and in Seventeen Hundred and Eighty Acres of Land, more or less, situate, lying and being, in the Parish of Southwark, in the said County of Surry, which had been some Time before granted to William Caufield his Father, by Two of his Majesty's Letters-Patent, the one for Twelve Hundred Acres, and the other for the remaining Five Hundred and Eighty Acres; and, being so seized, the said Robert Caufield, by his last Will and Testament, bearing Date the Second Day of January, One Thousand Six Hundred Ninety and One, did, amongst other Things, give and bequeath unto his Nephew John Seward, and the Heirs of his Body, for ever, the above-mentioned Tract or Parcel of Land, by the Description of all that Dividend of Land left him by his Father, situate in Hog-Island Main, in the Parish and County aforesaid, as by the said last Will and Testament of the said Robert Caufield, duly proved and recorded in the County-Court of Surry, doth appear; which, by divers Descents, is since become vested in William Seward, of the said County of Surry, Gentleman, Heir of the Body of the said John Seward the Devisee.

II. *AND* whereas the said William Seward hath represented to this present General-Assembly that the greater Part of the said Lands is very barren, and yields but a small Profit to him, and is also very inconveniently situated, being divided by a Creek, which runs almost through the Tract; and that it will be greatly to the Advantage of himself and his Posterity, and all others claiming in Reversion or Remainder under the Will of the said Robert Caufield, if he was empowered to dispose of Part of the said Tract of Land, and lay out the Money arising from the Sale thereof in other more improveable Lands, together with a sufficient Number of Slaves to be annexed thereto, to descend and pass according to the Will of the said Robert Caufield.

*Entail of certain
lands whereof
William Seward
is seized, docked*

A. D. 1762.

III. AND whereas Notice hath been published, Three Sundays successively, in the several Churches of the said Parish of *Southwark*, that Application would be made to this present General-Assembly. for an Act to dock the Entail of about Fifteen Hundred and Thirty Acres, Part of the above-mentioned Tract of Land, and to vest the same in Trustees, to be sold, for the Purposes aforesaid, pursuant to your Majesty's Instructions: May it therefore please your most Excellent Majesty, at the humble Suit of the said *William Seward*, that it may be enacted, and Be it Enacted by the Lieutenant-Governour, Council and Burgeses, of this present General-Assembly, and it is hereby Enacted by the Authority of the same, that Fifteen Hundred and Thirty Acres, more or less, Part of the said Tract of Land, so devised by the said *Robert Caufield* as aforesaid, and bounded as followeth, to wit: Beginning at a marked Cypress Tree standing on *James River*, near *Hog-Island* Bridge; thence bounded by the River, a South-East Course, to a Line of marked Trees, between *John Holt* and the said *William Seward*; thence along that Line to *Henry Seward's* Corner Tree; thence along a Line of marked Trees, between the said *Henry Seward* and *William Seward*, to two marked Maples on the East Side of the *Tar-Pit* Swamp; thence down the said *Tar-Pit* Swamp to the middle Branch of *Bandford's* Creek; thence down the said Branch to the main Creek; thence down the said Creek to *James River*; thence up the said River to the lower Mouth of *Hog-Island* Creek; thence up the said Creek to *James River*; and thence up the River to the Beginning; be, and the same are hereby, vested in *Lemuel Riddick*, *John Edmunds*, *Hartwell Cocke*, *Henry Brown* and *Joseph Bridger*, Gentlemen, and the Survivor or Survivors of them, IN TRUST; To be sold and disposed of by them, for the best Price that can be got for the same, as soon as can be conveniently done; and the said Trustees, the Survivors or Survivor of them, shall, by good and sufficient Deeds of Conveyance in the Law, convey the said Fifteen Hundred and Thirty Acres of Land to the Purchaser or Purchasers, his or their Assigns, for ever.

IV. AND be it further Enacted, that the said Trustees, or the greater Part of them, or their Survivors, shall fairly lay out the Money arising from the Sale of the said Lands in some other more improveable Lands, and such a Number of Slaves to be annexed thereto as they shall judge sufficient; and they are hereby empowered and required to cause a Deed or Deeds to be executed for the said Lands so to be purchased to the said *William Seward*, which said Deeds shall recite the Title and this Act, and shall be acknowledged, or proved and recorded, in the Manner prescribed by Law; and the said *William Seward*, from, and immediately after, the executing and performing such Deed or Deeds, shall stand seized of the Land so purchased, together with the Slaves to be annexed thereto, whose Names the said Trustees shall cause to be recorded in the Court of the said County of *Surry*, together with the future Increase of the said Slaves, to such Use and Uses, and of such Estate: And the same shall pass in Descent, Reversion and Remainder, according to the Directions of the Will of the said *Robert Caufield*; any Thing to the Contrary thereof, in any Wise, notwithstanding.

V. SAVING to the King's Most Excellent Majesty, his Heirs and Successours, and every other Person and Persons, Bodies politick and corporate, their respective Heirs and Successours, other than the Persons claiming in Remainder or Reversion under the Will of the said *Robert Caufield*, all such Right, Title, Estate, Interest, Claim and Demand, as they, every, or any of them, should or might claim if this Act had never been made.

VI. PROVIDED always, that the Execution of this Act shall be, and the same is hereby, suspended, until his Majesty's Approbation thereof shall be obtained.

